Remarks/Arguments

Claims 1-6 are pending. Claims 1 and 5 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

Rejection of claims 1-3 and 5-6 under 35 USC 103(a) as being unpatentable over Naimpally (US Pat No 5,619,337) in view of Yoneda et al. (EP 0 841 819)

Applicants submit that for at least the reasons discussed below amended claims 1-3 and 5-6 are patentably distinguishable over the teachings of Naimpally and Yoneda et al.

Claim 1 has been amended to recite:

> - monitoring a **total sum quantity** of data stored **in the plurality of N buffers**; and
>
> - triggering a writing process of the data contained in the plurality of buffers to the recording medium when said **total sum quantity** of data reaches a predetermined level (emphasis added).

Applicants submit that nowhere do the cited references teach or suggest the above cited limitation of claim 1.

Examiner acknowledges that Naimpally does not teach monitoring the total quantity of data stored in the buffers. Also Naimpally does not teach triggering a writing process of the data when said total quantity of data reaches a predetermined level. The office action cites Yoneda to provide the missing elements of Naimpally. Applicant respectfully submits that Yoneda, in fact fails to disclose or suggest the missing elements, and also the elements specified in amended claim 1.

Claim 1 has been amended to further specify that the total quantity of data that is monitored is actually the total sum quantity stored in all of the plurality of N buffers. Further, the feature of triggering a writing process has been further specified to recite that the triggering of the writing process is in the response to the total sum quantity of data in the buffers. This is in contrast to the teachings of Yoneda which is based on triggering writing processes based on the quantity of data stored in specific buffers.

In Yoneda, as mentioned on column 47, lines 15-18, there is one audio buffer in the audio buffering means and one video buffer in the video buffering means. Moreover, on column 47, lines 7-15, it is clearly stated that when the audio buffer is filled up, the audio buffering means 801 outputs the content of the buffer to the file management means 803 wherein it is written in the storage unit. Likewise, the video buffering means 802 contains a video buffer. When the video buffer is filled up, the video buffering means 802 outputs the content of the video buffer to the file management means 803 wherein it is written in the storage unit.

Therefore, Yoneda does not teach that when the total sum quantity of data of a plurality of buffers reaches a predetermined level, a writing process is triggered. Instead, Yoneda teaches that each buffer is considered individually. This process is completely distinguishable from a process in which the total sum quantity stored in all of the buffers is considered, or monitored, and a writing process is triggered based on this total sum quantity, as recited in the amended claims.

In fact, Yoneda teaches what is described in the present application as prior art. Namely, a system wherein the writing of all accumulated data is triggered when the amount of video data reaches a predetermined level. As mentioned in the present specification, page 1 lines 19 through 25, such a system does not provide maximum efficiency because it is necessary to fill unused space of a data block attributed to either audio or auxiliary data on the disk with stuffing bits. This is in contrast to the present invention, because as the sum of the quantities of data in the different buffers triggers the writing process, the predetermined total quantity of data is always fully used by useful data, no stuffing bits are necessary when writing the data to the recording medium, page 1 lines 2-5. The above mentioned that portions of the amended claims specify this difference between the present invention in the teachings of Yoneda.

In view of the above, applicants submit that the combination of Naimpally and Yoneda fail to teach or suggest each and every limitation of the amended claim 1, and thus, claim 1 is distinguishable over the suggested combination of references. Claims 2 and 3 are believed to be also patentable over the suggested combination in view of their dependence upon claim 1. Claim 5 has also been amended to recite: trigger the writing of the buffer contents to the recording

medium when a total sum of data packets in all buffers reaches a predetermined level, in a manner similar to that of claim 1. Thus, claim 5, and the claims that depend therefrom, are also distinguishable over the suggested accommodation for at least the same reasons as those discussed with respect to claim 1.

Rejection of claim 4 under 35 USC 103(a) as being unpatentable over Naimpally and Yoneda et al. and in further view of Deo et al (US Pat No 6,304,914)

Deo is cited as teachings the step of writing a header into said recording unit, the header indicating for the data from each buffer the corresponding packet identifier, the size, and location of the data in the recording unit. Applicants submit that even assuming arguendo that Deo teaches the subject limitation, Deo fails to cure the defect of the proposed combination of Naimpally and Yoneda as applied to claim 1. Thus, claim 4 is believed to be patentably distinguishable over the proposed combination of Naimpally, Yoneda and Deo.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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